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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,422	08/19/2003	Katsuaki Tanaka	P 0305422 H7959US	4553

7590 11/12/2008  
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EXAMINER
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CHU, KIM KWOK

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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11/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,422	<b>Applicant(s)</b> TANAKA ET AL.	
	<b>Examiner</b> Kim-Kwok CHU	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 7/14/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13-16, 43 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 13-16, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**Response to Remarks**

1. Applicant's Amendment and Remarks on cancellation of rejected Claims 5-12, 20-22, 26-36 and 40-42 filed on July 14, 2008 have been acknowledged.

**Allowable Claims Withdrawn**

2. The indicated allowability of claims 1-4, 13-16, 43 and 44 are withdrawn in view of a 35 USC § 112, second paragraph.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

4. Claims 1-4, 13-16, 43 and 44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 1, line 8, the Phrase "each designating" is not clear on whether it is the attribute information, the DSP program parameters or both is/are designated to a digital signal processor of an amplifier. In addition, in lines 9 and 10, the phrase "a sound process or a frequency characteristic process to

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be performed" is not clear because it does not read correctly after the phrase "each designating". In other words, the phrase "a sound process or a frequency characteristic process to be performed" misses a link to the claimed "an amplifier apparatus". Furthermore, in line 9, the claimed "a digital signal processor of an amplifier apparatus" are dangling elements that are vague about how these elements are associated with other elements recited in the claim.

Regarding Claim 13, the claim having above claimed phrases as in Claim 1 are not clear as the same reasons. In addition, in line 10, the phrase "processing start times each designating" is not clear because the start time is not mentioned in the rule table or the DSP parameters. In other words, which means creates the claimed "starting times" should be clarified.

Regarding Claim 43, the claim having above claimed phrases as in Claim 1 are not clear as the same reasons.

Regarding Claim 44, the claim having above claimed phrases as in Claim 1 are not clear as the same reasons. In addition, in line 10, the phrase "processing start times each designating" is not clear because the claimed "start time" is not mentioned in the rule table or the DSP. In other words, which means creates the starting times should be clarified.

The claims not specifically mentioned above are indefinite

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based upon their dependence on the indefinite Claims 1 and 13.

***Allowable Subject Matter***

5. Claims 1-4, 13-16, 43 and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

As in claim 1, the prior art of record fails to teach or fairly suggest a sound recording/reproducing method in a sound recording/reproducing apparatus for recording sound data onto a recording medium and reproducing the sound data from the recording medium having the following features:

(a) a step of using, when a model of an amplifier apparatus that is the object of control during creation of the rule table and a model of the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus coincide with each other, the DSP program parameter acquired from the rule table as a DSP program parameter after completion of the acquisition process;

(b) a step of using, when the model of an amplifier apparatus that is the object of control during creation of the

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rule table differs from the model of the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus, a DSP program parameter acquired from the rule table and a DSP program parameter corresponding to the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus from a DSP program associating table that associates DSP program parameters of a plurality of amplifier apparatuses, and using the DSP program parameter acquired from the DSP program associating table as a DSP program parameter after completion of the acquisition process; and

(c) a DSP program parameter setting step of setting the DSP program parameter after completion of the acquisition step, in the digital signal processor of the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus.

As in claims 13, 43 and 44, the prior art of record fails to teach or fairly suggest a sound recording/reproducing method in a sound recording/reproducing apparatus for recording sound data onto a recording medium and reproducing the sound data from the recording medium having the following features:

(a) a DSP program associating table associating DSP program parameters of a plurality of amplifier apparatus; a section that acquires, when the model of an amplifier

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apparatus that is the object of control during creation of the rule table differs from the model of the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus, a DSP program parameter corresponding to the amplifier apparatus that is currently connected to the sound recording/reproducing apparatus from the DSP program associating table, and uses the DSP program associating table as a DSP program parameter after completion of the acquisition process; and

(b) a DSP program parameter setting section that sets the DSP program parameter after completion of the acquisition process, acquired from the rule table, in the digital signal processor of the amplifier apparatus currently connected to the sound recording/reproducing apparatus.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen, can be reached on (571) 272-7579.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

/Kim-Kwok CHU/

Examiner AU2627

November 7, 2008

(571) 272-7585

/HOA T NGUYEN/

Supervisory Patent Examiner, Art Unit 2627